

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SACRAMENTO CITY UNIFIED SCHOOL
DISTRICT AND LOS ANGELES UNIFIED
SCHOOL DISTRICT.

OAH Case No. 2015010421

ORDER FOLLOWING PREHEARING
CONFERENCE AND GRANTING
CONTINUANCE

On April 13, 2015, a telephonic prehearing conference was held before Administrative Law Judge Margaret Broussard, Office of Administrative Hearings. Nicole Hodge Amey, Attorney at Law, appeared on behalf of Student. Jessi Gasbarro, Attorney at Law, appeared on behalf of Sacramento City Unified School District and Sharri Robertson, Attorney at Law, appeared on behalf of Los Angeles Unified School District. The PHC was recorded.

Based on discussion with the parties, the ALJ issues the following orders:

1. Motion for Continuance: On April 8, 2015, Sacramento filed a motion to continue the hearing because of the unavailability of counsel and because the parties have not yet been able to participate in mediation and would like the opportunity to mediate. At the prehearing conference, Student and Los Angeles joined in the motion to continue based upon a desire to mediate the case. This is the first request for a continuance in this matter, although there has been an amendment granted which reset all of the timelines in this matter.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted. (34 C.F.R. § 300.515(a); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3).) Speedy resolution of the due process hearing is mandated by law and continuance of the hearing may be granted only upon a showing of good cause. (Ed. Code, § 56505, subd. (f)(3).) In ruling upon a motion for continuance, OAH is guided by the provisions found within the Administrative Procedure Act and the California Rules of Court that concern motions to continue. (Cal. Code Regs., tit. 1, § 1020; Cal. Rules of Court, rule 3.1332 .) Generally, continuances of matters are disfavored. (Cal. Rules of Court, rule 3.1332(c).)

Good cause for a continuance was not established for unavailability of counsel but was established to give the parties an opportunity to mediation. As this matter has been pending since January 5, 2015, **no further requests for continuances will be granted in this matter without exceptional good cause.** All dates are vacated and the matter is scheduled as follows:

Mediation:	April 30, 2015, from 9:30 a.m. to 12:30 p.m.
Prehearing Conference:	May 11, 2015, at 10:00 a.m.
Hearing:	May 19, 2015, at 9:30 a.m., May 20 and 21, 2015, at 9:00 a.m. and continuing thereafter, day to day, Monday through Thursday as needed in the discretion of the ALJ.

2. Notice to Witnesses: The parties shall immediately notify all potential witnesses of the hearing dates, and shall subpoena witnesses if necessary, to ensure that the witnesses will be available to testify.

3. Other Matters: All other matters relevant to preparing for hearing, including clarification of issues and identification of witnesses and exhibits, will be addressed at the next PHC.

4. Settlement: Dates for hearing will not be cancelled until a letter of withdrawal, or a request for dismissal with the signature page of the signed agreement has been received by OAH. In the event a settlement agreement is executed subject to board approval, the parties may request to continue the hearing and set a telephonic status conference call following the date anticipated for board approval. The parties should otherwise plan to attend the scheduled PHC and the hearing unless different arrangements have been agreed upon by the assigned ALJ or ordered by OAH.

IT IS SO ORDERED.

DATE: April 13, 2015

/s/

MARGARET BROUSSARD
Administrative Law Judge
Office of Administrative Hearings